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PATENT
Attorney Docket No. 2300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CAPPS et al.

Group Art Unit: 2174

Serial No. 09/502,970

Examiner: KE, P.

Filed: February 11, 2000

For: Unified Navigation Shell User Interface

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 § C.F.R. 1.181(A)**

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Commissioner for Patents
Washington, D.C. 20231

MAY 28 2003

Technology Center 2100

Attn:

Dear Sir:

Petitioner hereby petitions the Commissioner to withdraw the holding of abandonment in this matter, as petitioner submits that the Office communication on which the holding of abandonment is based was not in fact received by the practitioner, for at least the reasons set forth in the Statement of Facts below as supported by the attached documentary evidence. No fee is required with this petition.

Statement of Facts

1. On March 25, 2003, a Notice of Abandonment was mailed to the undersigned attorney for applicants. The basis for the Notice was that no timely response was filed to an Office communication mailed July 2, 2002.
2. Practitioner states that the Office communication was not received by practitioner, and that a search of the file jacket and docket records was conducted and indicates that the Office communication was not received.
3. Attached as evidence are two pages of an attorney docket printout showing the Office communications for 2002 (through mid-November), and indicating that no Patent Office communication was received that was mailed on 7/2/2002. Practitioner submits that had

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been received, an entry would be present on page 4, between our file no. 1880 and our file no. 1650.

4. Practitioner further notes that the Notice of Abandonment was mailed to an incorrect address, namely "220 Eighth Avenue 704, Suite 193 Sammamish, Washington 98074," instead of "704 228th Avenue NE, Suite 193 Sammamish Washington 98074." Given this address, applicants are surprised that the Notice of Abandonment was somehow delivered. A copy of the cover page showing the error in the address is attached. Also attached is a copy of a change of address form for this case with the correct address.
5. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

For at least the foregoing reasons, petitioner submits that the petition to withdraw the holding of abandonment is adequately supported and should be granted, and requests that the Office action be remailed.

Respectfully submitted,



Albert S. Michalik, Registration No. 37,395
Attorney for Applicants
Law Offices of Albert S. Michalik, PLLC
704 - 228th Avenue NE
Suite 193
Sammamish, WA 98074
(425) 836-3030 (telephone)
(425) 836-8957 (facsimile)

Date: May 19, 2003



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CERTIFICATE OF MAILING

I hereby certify that this PETITION TO WITHDRAW THE HOLDING OF
ABANDONMENT along with supporting evidence is being deposited with the United States
Postal Service on the date shown below with sufficient postage as first class mail in an envelope
addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

Date: May 19, 2003


Albert S. Michalik

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File No.	Serial No.	Attorney	Final?	Mailing Date	3 Month (due) Date	6 Month Date	Status
1204	09/528,889	ASM	No	11/23/2001	2/23/2002	5/23/2002	Filed
1660	09/134,720	ASM	Yes	1/22/2002	4/22/2002	7/22/2002	Filed
1830	09/340,715	ASM	No	2/1/2002	5/1/2002	8/1/2002	Filed
2100	09/349,583	ASM	No	2/13/2002	5/13/2002	8/13/2002	Filed
2110	09/360,542	ASM	No	2/26/2002	5/26/2002	8/26/2002	Filed
2130	09/361,641	ASM	No	2/26/2002	5/26/2002	8/26/2002	Filed
2350	10/033,177	ASM	No	2/27/2002	5/27/2002	8/27/2002	Filed
2120	09/361,481	ASM	No	3/7/2002	6/7/2002	9/7/2002	Filed
2200	09/539,233	ASM	No	3/12/2002	6/12/2002	9/12/2002	Filed
1690	09/260,194	ASM	Yes	3/14/2002	6/14/2002	9/14/2002	RCE Filed 6/13/02
1800	09/332,459	ASM	No	3/20/2002	6/20/2002	9/20/2002	Filed
1670	09/356,383	ASM	Yes	3/26/2002	6/26/2002	9/26/2002	Filed
1840	09/350,331	ASM	No	3/26/2002	6/26/2002	9/26/2002	Filed
2905	09/175,057	ASM	No	3/27/2002	6/27/2002	9/27/2002	Filed
2907	09/175,059	ASM	No	4/4/2002	7/4/2002	10/10/2002	Filed
1640	09/338,352	ASM	No	4/12/2002	7/12/2002	10/12/2002	Filed
1380	09/071,594	ASM	No	4/18/2002	7/18/2002	10/18/2002	Filed
2041	09/473,559	ASM	No	5/8/2002	8/8/2002	11/8/2002	Filed
2220	09/513,812	ASM	No	5/8/2002	8/8/2002	11/8/2002	Filed
2330	09/505,344	ASM	Yes	5/17/2002	8/17/2002	11/17/2002	Filed 10/15/02, amend not entered, RCE filed 11/14/02
1870	09/430,150	ASM	No	6/5/2002	9/5/2002	12/5/2002	Filed
1760	09/390,182	ASM	No	6/6/2002	9/6/2002	12/12/2002	Filed
1600	09/158,022	ASM	No (non- compliant)	6/11/2002	7/11/2002	12/11/2002	Filed
1660	09/134,720	ASM	No	6/17/2002	9/17/2002	12/17/2002	Filed

File No.	Serial No.	Attorney	Final?	Mailing Date	3 Month (due) Date	6 Month Date	Status
1880	09/347,753	ASM	No	6/19/2002	9/19/2002	12/19/2002	Filed
1650	09/293,326	ASM	No	7/17/2002	10/17/2002	1/17/2003	Filed
2590	09/651,406	ASM	No	7/17/2002	10/17/2002	1/17/2003	Filed
2280	09/605,555	ASM	No	7/22/2002	10/22/2002	1/22/2003	Filed
2310	09/503,137	ASM	No (Restr. Req'ment)	7/25/2002	9/25/2002	1/25/2003	Filed
1265	10/072,111	ASM	No	7/30/2002	10/30/2002	1/30/2003	Filed
1710	09/227,172	ASM	Yes	7/30/2002	10/30/2003	1/30/2003	Filed
1890	09/316,897	ASM	No	7/30/2002	10/30/2003	1/30/2003	Filed
2031.2	09/908,113	ASM	No	7/31/2002	10/30/2003	1/31/2003	Filed
1204	09/528,889	ASM	Yes	8/27/2002	11/27/2002	2/27/2003	Filed
1570	09/158,968	ASM	No	8/29/2002	11/29/2002	2/28/2003	Filed
2990	09/999,002	ASM	No	9/6/2002	12/6/2002	3/6/2003	Filed
2450	09/602,818	ASM	No	9/11/2002	12/11/2002	3/11/2003	Filed
1690	09/260,194	ASM	No	9/27/2002	12/27/2002	3/27/2003	Filed
2420	09/558,469	ASM	No	10/2/2002	1/3/2003	4/2/2003	Filed
1610	09/354,970	ASM	No	10/23/2002	1/23/2003	4/23/2003	Filed
2250	09/464,738	ASM	No	10/23/2002	1/23/2003	4/23/2003	Filed
2370	09/549,940	ASM	No	10/23/2002	1/23/2003	4/23/2003	Filed
2400	09/607,505	ASM	No	10/23/2002	1/23/2003	4/23/2003	Filed
2100	09/349,583	ASM	No	11/8/2002	2/8/2003	5/8/2003	Filed
2200	09/539,233	ASM	No	11/8/2002	2/8/2003	5/8/2003	Filed
2110	09/360,542	ASM	Yes	11/18/2002	2/18/2003	5/18/2003	Filed
2130	09/361,641	ASM	Yes	11/18/2002	2/18/2003	5/18/2003	Filed
2730	09/849,170	ASM	No	11/20/2002	2/20/2003	5/20/2003	Filed